

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Thomas Tosai Perkins,
Plaintiff,

v.

Greenville Probate Magistrate Sauvaine,
aka Sauvagn, Sauvaign, Sauvaigne,
Sauvan, Sauvain, Sauvau; and Debora
Faulker, Wife of Sauvaine, Probate
Magistrate,
Defendants.

C.A. No. 6:12-1085-TMC

ORDER

Plaintiff Thomas Tosai Perkins ("Plaintiff") proceeding *pro se* and *in forma pauperis* filed this action asking this court to "hear [his] case and nullify [his] alleged to be mentally ill status." In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. This matter is before the court on the Magistrate Judge's Report and Recommendation ("Report") filed in this action recommending that this action be dismissed without prejudice and without issuance and service of process. (Dkt. # 13). The Magistrate Judge provided Plaintiff a notice advising him of his right to file objections to the Report. (Dkt. # 13 at 14). On June 15, 2012, Plaintiff filed objections. (Dkt. #16). Plaintiff also filed a "Motion to Execute a Federal Investigation." (Dkt. # 17).

The court is charged with making a de novo determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

As noted above, Plaintiff has filed objections and a Motion to Execute a Federal Investigation to determine whether Defendants were biased in their handling of Plaintiff's state action. In his motion for a federal investigation, Plaintiff also states he is seeking an extension "in filing [his] claim or objection. . ." The court has carefully reviewed Plaintiff's objections and they provide no basis for this court to deviate from the Magistrate Judge's recommended disposition. The objections are non-specific, unrelated to the dispositive portions of the Report or merely restate Plaintiff's claims. Further, as to Plaintiff's request for an extension and a federal investigation, the court finds an extension or investigation would serve no useful purpose in this case, as the doctrine of judicial immunity would still shield Defendants from Plaintiff's § 1983 claims and, insofar as Plaintiff seeks to allege a habeas claim, he has not exhausted his state court remedies.

Accordingly, based on the foregoing, the court adopts the Report and Recommendation and this complaint is **DISMISSED** without prejudice and without issuance and service of process. Further, the request for an extension to file objections and the Motion to Execute a Federal Investigation (Dkt. # 17) are **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Greenville, South Carolina
July 13, 2012

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.